IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 431 OF 2006.

Salgaocar Mining Industries
Limited, a Company incorporated
under the Companies Act, 1956
and having its Registered Office
at Salgaocar Chambers,
P.O. Box 114, Margao-Goa. .... Petitioner.

Versus

1. Shri Roghuvir Rajaram
Paingankar, son of late
Rajaram Rangaji Paingankar,
aged about 69 years, Mine Owner,
residing at House No. 442,
Near Cine Vishant, Margao, Goa
(since deceased) by legal
representatives:-

1a) Shri Rohit Roghuvir Paingankar

(b) Smt. Nutan Rohit Paingankar

© Shri Rajendra alias Rajesh
Raghuvir Paingankar, major
and his wife,

(d)Smt. Perathibha Rajendra
Paingankar, major.
All residing at No. 442,
Opposite Peerless Office,
Cine Vishant Road, Aquem Alto,
Margao, Goa.

(e) Smt. Radha Nandalal Kairo,
major, and her husband,

(f) Shri Nandalal Kairo
Both residing at 3rd Floor,
Govardhan Apartments, Aquem Alto,
Margao, Goa.

(g) Smt. Sujata Sharad Korgaonkar,
major, and her husband:

(h) Shri Sharad T. Korgaonkar.
Both residing at Mumbai.

(i)Smt. Savita B. Gianni,
major, and her husband:

(j) Shri Bhisham B. Gianni,
major, both residing at
Margao, Goa.

(k) Smt. Shakuntala R. Paingankar,
residing at House No.442,
Near Cine Vishant, Margao, Goa.

2. V.M. Salgaoncar & Brothers
Limited, a Company incorporated
under the Companies Act, 1956 and
having its Registered Office at
Salgaocar Building, Vasco-da-Gama,
Goa. .... Respondents.

Mr. M. S. Sonak, Advocate for the Petitioner.

Mr. V. Menezes, Advocate for Respondents No.1(a) to 1(d).

Mr. C. Mascarenhas, Advocate for Respondents No.1(e) to 1(k).

CORAM: DR. S. RADHAKRISHNAN, J.

DATE: 18th OCTOBER, 2006.

ORAL JUDGMENT:

Heard the learned counsel for the Petitioner and the learned Counsel for the respondents.

2. Rule. Rule made returnable forthwith. By consent taken up for hearing.

3. The learned counsel for the respondent consent that the amendment application which was moved by the plaintiff be allowed. However, I make it clear that all the contentions and allegations with regard to the said amendment should be kept open so as to enable them to agitate them at the final hearing of the above suit. Hence it is made clear that the amendment application filed by the petitioner which was not granted by the trial Court by Order dated 11th September, 2006 is set aside and the amendment sought by the plaintiff/petitioner is granted. Amendment to be carried out within two weeks from today. It is also made clear that all objections raised by the respondents in this behalf are kept expressly open so as to enable them to agitate the same at the stage of final hearing of the suit. As agreed the plaintiff shall also not lead any further evidence in the suit. Having regard to the fact that the above suit is of the year 1991, the Civil Judge Senior Division, Vasco-da-Gama is directed to dispose of Special Civil Suit No.8/91/A as expeditiously as possible and in any event on or before 31st December, 2006.

Rule is made absolute in the above terms. Parties to act on authenticated copy.

DR. S. RADHAKRISHNAN, J.

sl.